

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the SANTA CLARA VALLEY
TRANSPORTATION AUTHORITY for an Order
approving safety of the design, construction and
operation of the at-grade crossings of Sunol
Street (82D-4.1) and Auzerais Avenue (82D-4.2)
by the light rail transit line of the Vasona Light
Rail Project in the City of San Jose, County of
Santa Clara.

Application 02-01-031
(Filed January 28, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
REQUIRING PREHEARING CONFERENCE STATEMENTS**

Background

This application, filed in January 2002, was originally protested by Commission staff in March 2002. The applicant, Santa Clara Valley Transportation Authority (SCVTA), filed a First Amended Application (amended application) on March 11, 2003. The amended application was protested by Floor Service Supply Company (FSSC) on April 9, 2003. Settlement discussions between SCVTA and FSSC were terminated in August 2003. A prehearing conference (PHC) has been set for October 9, 2003.

Prehearing Conference Statements

Pursuant to Rule 6.2 of the Commission's Rules of Practice and Procedure, the parties must file and serve brief (no more than 10 pages) PHC statements.¹

The statements must address the following topics:

- the parties' present positions on the issues presented by the application and the protests;
- which, if any, issues may be resolved without an evidentiary hearing (EH);
- which, if any, issues will require an EH;
- a proposed schedule for this proceeding if EHs are required; and
- the status of any construction work at or in the immediate vicinity of the subject crossings.

With their statements, the parties should include the following attachments:

SCVTA:

- engineered plans showing any work planned to be done by SCVTA on property occupied by any FSSC buildings, parking lots, or other property used in FSSC's business; and
- engineered plans showing any work planned to be done by SCVTA within 100 feet of any property occupied by any FSSC

¹ Unless otherwise indicated, all subsequent citations to rules refer to the Rules of Practice and Procedure, which are codified at Chapter 1, Division 1 of Title 20 of the California Code of Regulations, and citations to sections refer to the Public Utilities Code.

buildings, parking lots, or other property used in FSSC's business.

FSSC:

- a photograph or sketch to scale of the property occupied by FSSC buildings, parking lots, or other property used in FSSC's business;
- photographs or other documentation of any work done by SCVTA or its agents or contractors since August 15, 2003 at or in the vicinity of the subject crossings; and
- photographs or other documentation of any work done by SCVTA or its agents or contractors since August 15, 2003 on any property occupied by any FSSC buildings, parking lots, or other property used in FSSC's business.

Commission Staff:

- a table identifying all Commission proceedings related to the Vasona project, including docket number, date filed, current status, and decision number and date concluded, if applicable.

Filing and Service

A temporary service list is attached to this Ruling. All parties are to use this temporary list until a formal service list is established at the PHC.

PHC statements, including attachments, must be filed and served no later than Monday, October 6, 2003. For purposes of this Ruling, the documents must be *received* by all persons on the temporary service list by no later than Monday, October 6.

IT IS RULED that all parties must file and serve prehearing conference statements as set forth above no later than Monday, October 6, 2002.

Dated September 22, 2003, at San Francisco, California.

/s/ ANNE E. SIMON

Anne E. Simon
Administrative Law Judge

ATTACHMENT
TEMPORARY SERVICE LIST
A.02-01-031

Benjamin H. Scharf, Senior Assistant Counsel
Santa Clara Valley Transportation Authority
3331 North First Street, Bldg. C-2
San Jose, CA 95134

Jeffrey B. Hare
Attorney at Law
Ten Almaden Blvd., Suite 1250
San Jose, CA 95113

Patrick S. Berdge
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Haji Jameel
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

(END OF ATTACHMENT)

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Requiring Prehearing Conference Statements on all parties of record in this proceeding or their attorneys of record.

Dated September 22, 2003, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.